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THE ANDHRA PRADESH GAZETTE

PUBLISHED BY AUTHORITY

W.No.5

AMARAVATI, THURSDAY, FEBRUARY 3, 2022

G.734

PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

COLLECTOR AND DISTRICT MAGISTRATE, KURNOOL.

Rc.C6.REV-CSEC0VC(CER)/4/2021-SA(C6)-COLLKRLN.

Dated: 19-01-2022.

CASTE VERIFICATION - KURNOOL DISTRICT - OWK MANDAL - METTUPALLI VILLAGE - ALLEGATION AGAINST THE GENUINENESS OF THE CASTE OF Smt. DASARI LAKSHMI DEVAI @ YERUKALI LAKSHMI DEVI OF METTUPALLI VILLAGE, OWK MANDAL, KURNOOL DISTRICT - DLSC CONDUCTED & RECOMMENDED FOR CANCELLATION OF ST(YERUKALI) CASTE CERTIFICATES ISSUED TO Smt. DASARI LAKSHMI DEVI AS SHE BELONGS TO DASARI CASTE (BC-A).

Ref: 1. Report of the Sub-Collector, Nandyal vide Rc.No.I/710/2021,
Dated:06.09.2021.
2. This Office Notice in FORM-VI vide File No: REV-CSEC0VC(CER)/4/2021-SA(C6)-COLLKRLN Dt: 05/11/2021.
3. Statement Dated:12.11.2021 of Smt Dasari Lakshmi Devai @ Yerukali Lakshmi Devi of Mettupalli Village, Owk Mandal, Kurnool District.
4. Findings of the District Level Scrutiny Committee, Kurnool, Dated:12.11.2021.
5. This Office Notice in FORM-VI vide File No: REV-CSEC0VC(CER)/4/2021-SA(C6)-COLLKRLN Dt: 30/12/2021.

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ORDER:-

Sri M.Narayana Reddy and others of Mettupalli Village of Owk Mandal, Kurnool District have filed a complaint Dated:26.07.2021 before the Sub-Collector, Nandyal on the YERUKULA-ST Caste of Smt Dasari Lakshmi Devi @ Yerukali Lakshmi Devi of Mettupalli Village of Owk Mandal, Kurnool District stating that she does not belong to YERUKULA-ST Caste but belongs to Dasari Caste-BC-A and requested to enquire and take action.

The Sub-Collector, Nandyal has given instructions to the Tahsildar, Banaganapalli Mandal to enquire on the caste of Smt Dasari Lakshmi Devi @ Yerukali Lakshmi Devi of Mettupalli Village of Owk Mandal, Kurnool and submit the report.

The Tahsildar, Banaganapalli has submitted his enquiry report as certain villagers about 10 in number of Mettupalle Village of Owk Mandal have filed a complaint before the Sub Collector, Nandyal stating that one Smt.Dasari Lakshmi Devi W/o Yerukali Venkata Ramudu of Mettupalle village of Owk Mandal has encroached the agricultural land belonging to government and also built a house by encroaching the road in the village and is harassing the villagers & officers by threatening to file SC/ST atrocities case against those who questioned her encroachments on the strength of a false YERUKULA-ST caste certificate and hence requested the authorities to enquire into the genuineness of her caste and take necessary action against her outrageous activities in accordance with the law. Also, submitted that it is learnt that the officers of the Tahsildar, Owk filed a complaint against her encroachment of the government land and she too filed complaint under SC/ST Atrocities case against them and also against certain villagers of Mettupalle village of Owk Mandal.

The Tahsildar, Banaganapalli has conducted enquiry on the above issue on 02.08.2021 and 03.08.2021 and recorded statements of Smt Dasari Lakshmi Devi @ Yerukali Lakshmi Devi and certain Villagers who complained against the false Caste Certificates obtained by Smt Dasari Lakshmi Devi @ Yerukali Lakshmi Devi.

Tahsildar,Banaganapalli has submitted that villagers stated in their statement that Smt. Dasari Lakshmi Devi W/o Yerukali Venkata Ramudu is a resident of Mettupalle village and she encroached the land belonging to government and also built a house by encroaching the road in the village. She actually belongs to Dasari caste (BC) and her parents Dasari Pedda Ranganna (late) S/o Rangappa and smt. Dasari Rangamma (late)W/o Dasari Pedda Rangappa too belong to the same caste. Her parents are no more now. Her own brother by name Dasari Ramudu is residing at Vijayawada. She married a person by name Sri Yerukali Venkata Ramudu of Mettupalle village who belongs to YERUKULA-ST caste. Since her husband belongs to YERUKULA-ST caste, she too obtained YERUKULA-ST certificate in her name by misleading the officers. Basing on the said caste certificate, she is threatening to file a SC/ST case against those who questions her encroachments. Hence they prayed that justice may be done to them by cancelling the said false certificate of Smt. Dasari Lakshmi Devi W/o Yerukali Venkata Ramudu

Tahsildar, Banaganapalli has submitted that Smt. Dasari Lakshmi Devi W/o Venkata Ramudu has also given her statement before him that her parents belong to Dasari caste and that her mother died on 10.05.2005 and her father Dasari Rangappa on 08.10.2010. Her brother by name Dasari Ramudu and herself are the only children of her deceased parents. Her brother is living at Vijayawada and they have no other relatives of her parents. She married Yerukali Venkata Ramudu in the year 1994 at Mahanandi temple according to the customs and practices of Hindu religion and it is their love marriage and an inter - caste marriage. She further stated that she obtained YERUKULA-ST caste certificate from the Tahsildar, Owk in the year 2014-2015. She stated that she belongs to Dasari caste prior to her marriage and was then eking out her livelihood by herding goats and cows and now living by doing agriculture. She has got one son by name Prem Kumar aged 24 years and a daughter by name Brunda aged 22 years.

Tahsildar, Banaganapalli has submitted that she produced a copy of caste certificate bearing No. CGC011819046776 Dated. 14.08.2018 issued by Sri B. Sanjeevaiah, the then deceased Tahsildar, Owk that she belongs to YERUKULA-ST caste and her DOB is 01.01.1973. Based on this certificate, the present Tahsildar also issued caste certificate to her on 05.06.2021.

In this connection, Tahsildar, Banaganapalli has submitted that the caste "Dasari" comes under the category of Backward Class Group "A" and Smt. Dasari @ Yerukali Lakshmi Devi herself confessed in her statement that she and her parents belong to Dasari caste and she married a person by name Venkata Ramudu who belonging to YERUKULA-ST caste and thus she obtained YERUKULA-ST caste Certificate on the strength of that marriage.

Finally, Tahsildar, Banaganapalli submitted that there are no rules for changing the original caste of any wedded couple of different castes on the grounds of their marriage and to obtain accordingly caste certificates of their choice. Hence the YERUKULA-ST caste certificate of Smt. Dasari Lakshmi Devi W/o Yerukali Venkata Ramudu is liable for cancellation in the light of the above facts.

Further the Sub-Collector, Nandyal has reported that the Supreme Court on 20.1.2018 has decided that a person's caste is unalterable and can't change after marriage. Woman born into Upper caste family can't avail the benefits reserved for Schedule caste and Schedule Tribes family even though if she marries into an S.C/S.T family. There cannot be any dispute that the caste is determined by the birth and the caste cannot be changed by marriage with a person of scheduled caste. But in this case, the then Tahsildar, Owk has issued caste certificate in 2018 vide CGCO 11819046776, Dt. 14.8.2018 and the petitioner obtained YERUKULA-ST caste certificate (Sl. No. 33 ST) with a fraudulent thinking that this ST certificate may be used for getting benefits from the Government by utilizing this opportunity in filing the SC/ST case against the common man. On perusal of FIR copy filed by Smt. Dasari @ Yerukali Lakshmi Devi W/o Y. Venkata Ramudu, it is revealed that her fraudulent intention in filing SC/ST case against the Government employee is to create fear among the employees and to irregularly gain the Government laws for herself and of her family members.

Finally the Sub-Collector, Nandyal has confirmed that the enquiry being conducted by the Tahsildar, Banaganapalli is found correct as the applicant Smt. Dasari @ Yerukali Lakshmi Devi of Mettupalle Village of Owk Mandal originally belongs to Dasari (BC) Caste and later on she got married to Yerukali Venkata Ramudu of Mettupalle village of Owk Mandal. Hence her S.T. Caste certificate obtained in 2018 and 2021 are to be cancelled.

Therefore, the District Collector, Kurnool has ordered the Joint Collector (RB & R), Chairman, DLSC to conduct enquiry and submit the report on the caste of Smt Dasari Lakshmi Devi @ Yerukali Lakshmi Devi of Mettupalli Village of Owk Mandal, Kurnool District and submit the report.

Accordingly a Notice in FORM-VI was issued to Smt Dasari Lakshmi Devi @ Yerukali Lakshmi Devi of Mettupalli Village of Owk Mandal, Kurnool District to attend before the Chairman of the DLSC, Kurnool on 12.11.2021 at 10.00 AM vide this office Notice in FORM-VI vide File No: REV-CSEC0VC(CER)/4/2021-SA(C6)-COLLKRNL Dt: 05/11/2021.

The District Level Scrutiny Committee members i.e the Deputy Director, Social Welfare, Kurnool, the District BC Welfare Officer, Kurnool, the District Tribal welfare Officer, Kurnool and the Convener of the DLSC i.e the District Revenue Officer, Kurnool were present for enquiry on 12.11.2021 at Joint Collector,(RB & R) Kurnool.

Smt Dasari Lakshmi Devi @ Yerukali Lakshmi Devi of Mettupalli Village of Owk Mandal, Kurnool District and the complainants Sri M.Narayana Reddy and others of Mettupalli Village of Owk Mandal, Kurnool District have attended for enquiry and both have submitted their statements before the Joint Collector, Kurnool on 12.11.2021.

During the enquiry, the Complainants Sri M.Narayana Reddy and others of Mettupalli Village of Owk Mandal, Kurnool District have stated that the marriage of Smt Dasari Lakshmi Devi of Mettupalli Village of Owk Mandal was performed with Sri Yerukali Venkataramudu of Mettupalli Village of Owk Mandal. Further they stated that Sri Dasari Lakshmi Devi encroached the road and constructed the house in the mettupalli Village of Owk Mandal and when the village elders and Officers have objected her irregular encroachment, she filed a case under SC ST (POA) Act through the Court on the Village elders and Officers. Further they stated that Smt Dasari Lakshmi Devi of Mettupalli Village of Owk Mandal belongs to "DASARI" caste and her parents also belongs to "DASARI" Caste. But Smt Dasari Lakshmi Devi of Mettupalli Village of Owk Mandal has obtained the YERUKULA-ST caste certificate from the Tahsildar, Owk Mandal. Hence they have requested to cancel the FALSE YERUKULA-ST Caste certificate of Smt Dasari Lakshmi Devi of Mettupalli Village of Owk Mandal and take action against her.

During the enquiry, Smt Dasari Lakshmi Devi @ Yerukali Lakshmi Devi of Mettupalli Village of Owk Mandal, Kurnool District has stated that her parents belong to "DASARI" Caste and they belong to Mettupalli Village of Owk Mandal, Kurnool District. Further she stated that she married Sri Yerukali Venkata Ramudu, who belongs to YERUKULA-ST Caste, who is also from Mettupalli Village of Owk Mandal, Kurnool District. After her marriage with Sri Yerukali Venkata Ramudu, she obtained YERUKULA-ST caste certificates from the Tahsildar, Owk Mandal.

Further the District Level Scrutiny Committee has submitted its findings as noted below:

- During the enquiry by DLSC on 12.11.2021, Smt Dasari Lakshmi Devi @ Yerukali Lakshmi Devi of Mettupalli Village of Owk Mandal has accepted that her parents Late Dasari Rangappa and Late Dasari Chowdamma belong to "DASARI" Caste which comes under BC-A Category.
- She married Sri Yerukali Venkata Ramudu of Mettupalli Village of Owk Mandal, Kurnool District who belongs to YERUKULA-ST Caste and claimed her husband's caste i.e "YERUKALI-ST for herself also.

The Government of India, Ministry of Home Affairs vide Lr.No.35/1/72-R.U.(SCT.V), Dated:02.05.1975, issued instructions and as per these instructions while issuing the SC/ ST caste certificates the following points have to be observed along with other points,

Claims through Marriage::

The guiding principle is that no person who was not a Scheduled Caste or a Scheduled Tribe by birth will be deemed to be a member of a Scheduled Caste or a Scheduled Tribe merely because he or she had married a person belonging to a Scheduled Caste or Scheduled Tribe.

Similarly a person who is a member of a Scheduled Caste or a Scheduled Tribe would continue to be a member of that Scheduled Caste or Scheduled Tribe as the case may be even after his or her marriage with a person who does not belong to a Scheduled Caste or Scheduled Tribe.

Hence by birth Smt Dasari Lakshmi Devi, W/o Sri Yerukali Venkata Ramudu of Mettupalli Village of Owk Mandal belongs to "DASARI" Caste which comes under BC-A category and she cannot claim her husband Sri Yerukali Venkata Ramudu's caste YERUKULA-ST for herself merely because she had married the "YERUKALI-ST person.

Finally the District Level Scrutiny Committee recommended to cancel YERUKULA-ST Caste certificates issued in favour of Smt Dasari Lakshmi Devi, W/o Sri Yerukali Venkata Ramudu of Mettupalli Village of Owk Mandal, Kurnool District as she belongs to "DASARI"-BC-A caste by birth caste.

As per Section 5 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993,

" (1) Where, before or after the commencement of this Act a person not belonging to any of the Scheduled Castes, Scheduled Tribes and Backward Classes has obtained a false Community Certificate to the effect that either himself or his children belongs to such Castes, Tribes or Classes, the District Collector may either suo motu or on a written complaint by any person, call for the record and enquire into the correctness of such certificate and if he is of the opinion that the certificate was obtained fraudulently, he shall, by notification, cancel the certificate after giving the person concerned an opportunity of making representation:

Provided that where an enquiry into the genuineness of a community certificate issued prior to the commencement of this Act has commenced and is pending at such commencement, the record thereof shall be transferred by the concerned authority to the District Collector and he shall continue the enquiry and conclude the same under this sub-section".

Finally a Notice enclosing the findings of DLSC, was issued to Smt Dasari Lakshmi Devi @ Yerukali Lakshmi Devi of Mettupalli Village of Owk Mandal, Kurnool District with a direction to make her representation/objections on the findings of the District Level Scrutiny Committee under Section 5 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993. But, she doesn't give any representation on the findings of the DLSC before the District Collector, Kurnool.

In view of the above, I P. Koteswara Rao, I.A.S., Collector & District Magistrate, Kurnool in exercise of the powers conferred under section 5 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 cancelled the ST-Yerukala certificates issued in favour of Smt Dasari Lakshmi Devi @ Yerukali Lakshmi Devi of Mettupalli Village of Owk Mandal, Kurnool District that she does not comes under YERUKULA-ST Community, but comes under BC-A (DASARI) community.

The appeal lies before the Government of Andhra Pradesh within 30 days from the publication of order in the Andhra Pradesh Gazette as per Section 7(2) of Act 16 of 1993.

P. KOTESWARA RAO,
Collector & District Magistrate,
Kurnool.

To

Smt Dasari Lakshmi Devi @ Yerukali Lakshmi Devi of Mettupalli Village of Owk Mandal, Kurnool District //BY RPAD//

NOTIFICATION

In view of the recommendations of the District Level Scrutiny Committee and in exercise of the powers conferred under section 5 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993, the certificates issued to Smt Dasari Lakshmi Devi @ Yerukali Lakshmi Devi of Mettupalli Village of Owk Mandal, Kurnool District is cancelled that she does not comes under YERUKULA-ST Community.

P. KOTESWARA RAO,
Collector & District Magistrate,
Kurnool.